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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,573

04/27/2006

Jung Hyun Kee

2017-074

2915

52706

7590

10/14/2009

IPLA P.A.

3580 WILSHIRE BLVD.

17TH FLOOR

LOS ANGELES, CA 90010

EXAMINER

WOOD, JONATHAN K

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,573	Applicant(s) KEE, JUNG HYUN	
	Examiner JONATHAN WOOD	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the translation of Korean Patent No. 20-0247187 to *Gi* (*Gi*) in view of US Patent No. 5,037,007 to *Deussen* (*Deussen*).

Gi shows a dispenser with a sealed dispensing valve unit secured to a mouth of a hermetic casing (10) (Figure 2), and which discharges contents through a center of an upper plate of a concave-dish shaped button (40) (§ 21, ll. 1-5), the dispenser comprising an outlet hole (47) bored in a concave central portion of the button (Figure 2) and a dispensing valve (50) cooperating with the outlet hole to close the dispenser when not in use.

Gi fails to disclose the particular characteristics of the dispensing valve head and outlet hole, including the outlet hole having an inclined inner surface defining a lower portion thereof and being tapered from an upper portion to a lower portion, a vertical inner surface extending from the upper end of the taper and the dispensing valve head having a corresponding structure with a diameter and height slightly smaller than that of the outlet hole.

However, *Deussen* shows a dispenser with an outlet hole (12) having an inclined inner surface (22a) at a lower portion thereof and tapering from an upper portion to a lower portion (Figure 2), and a vertical inner surface (15) extending from the upper

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portion of the inclined inner surface. *Deussen* further shows a dispensing valve (13) having a matching inclined surface (20a) to that of the outlet hole and a vertical surface (14) extending from the upper portion of the inclined surface, wherein the outer diameter and height of the vertical surface are smaller than those of the outlet valve (inherent). It would have been obvious to one having ordinary skill in the art at the time of the invention, under the teachings of *Deussen*, to have replaced the valve head structure of *Gi* with the valve head and corresponding outlet hole shape of *Deussen* in order to facilitate a reliable seal when the dispenser is not in use (*Deussen*, col. 5, ll. 1-14). The combination is simply a substitution of the valve head of valve 50 of *Gi* for a valve head with a shape like that of *Deussen*. It would consequently be obvious for one of ordinary skill in the art to reshape the outlet hole 47 of *Gi* similarly to the outlet hole 12 of *Deussen* to ensure the sealing effects taught by *Deussen*. The resulting combination would thus yield the contents of the device being discharged from the lower portion to the upper portion of the valve, as the overall dispensing process of *Gi* is unchanged.

Response to Arguments

3. Applicant's arguments filed 9/23/2009 have been fully considered but they are not persuasive. Applicant's arguments focus on the fact that in the dispenser of *Deussen*, material flows from the upper portion of the valve to the lower portion or from left to right in Figure 2 of *Deussen*. Examiner agrees that this is the case. However, applicant's invention is being rejected by the combination of *Gi* with *Deussen* and not the dispenser of *Deussen* alone. When utilizing the teachings of the specific valve head

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and seat (outlet hole) structure of *Deussen*, namely the valve head having an angled lower portion and vertical upper portion with a matching valve seat shape, one of ordinary skill in the art would recognize that this valve head and seat structure can be utilized in any number of valving applications, and not necessarily ones with a material flow in the direction like that of *Deussen*. Therefore, in the combination of *Gi* with *Deussen* cited above, examiner is simply applying the teaching of the valve head and seat shape and sealing effects of *Deussen* to the valving application of the dispensing device of *Gi*. In the dispenser of *Gi*, material flow begins at a bottom portion of the valve head and flows around the valve head to the outlet. Similarly, in the combination of *Gi* with *Deussen* material flow would still come up from a bottom portion of the valve head (this time an angled portion similar to 20a), flow around the sides of the valve head (vertical portions similar to 14), and out onto the dish portion. Consequently, contents would fill between the newly shaped valve head and correspondingly shaped seat, thus providing a sealing film.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN WOOD whose telephone number is (571)270-7422. The examiner can normally be reached on Monday through Friday, 7:30 AM to 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JKW/

Examiner, Art Unit 3754

/Kevin P. Shaver/

Supervisory Patent Examiner, Art Unit 3754